

105TH CONGRESS  
2D SESSION

# H. R. 4533

To amend title XVIII of the Social Security Act to rectify overpayment to certain long-term care hospitals.

---

## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 9, 1988

Mr. STARK introduced the following bill; which was referred to the Committee on Ways and Means

---

## A BILL

To amend title XVIII of the Social Security Act to rectify overpayment to certain long-term care hospitals.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Medicare Long-Term  
5       Care Hospital Payment Correction Act of 1998”.

6       **SEC. 2. ADJUSTMENT IN PAYMENT AMOUNT TO LONG-TERM**  
7       **CARE HOSPITALS.**

8       (a) IN GENERAL.—Section 1886(b) of the Social Se-  
9       curity Act (42 U.S.C. 1395ww(b)) is amended—

---

1           (1) in paragraph (1)(A), by inserting “subject  
2           to paragraph (8)” before “are less than or equal to  
3           the target amount”; and

4           (2) by adding at the end the following new  
5           paragraph:

6           “(8)(A) Notwithstanding paragraph (1), in the case  
7           of a hospital described in subsection (d)(1)(B)(iv), the  
8           Secretary shall compare—

9           “(i) the average inpatient length of stay of such  
10          hospital during the cost reporting period described  
11          in clause (i) or (ii) of paragraph (3)(A), and

12          “(ii) the average inpatient length of stay of  
13          such hospital during the two cost reporting period  
14          beginning for which the Secretary has the most re-  
15          cent settled cost report for the hospital.

16          “(B) If the Secretary determines that the average in-  
17          patient length of stay described in subparagraph (A)(ii)  
18          is 5 percent less than the average inpatient length of stay  
19          described in subparagraph (A)(i), the target amount for  
20          such hospital for the cost reporting period beginning dur-  
21          ing the current fiscal year shall be equal to the product  
22          of—

23          “(i) the target amount for the cost reporting  
24          period described in subparagraph (A)(i), and

1           “(ii) the fraction (expressed as a percentage),  
2           the numerator of which is the target amount for the  
3           cost reporting period described in subparagraph  
4           (A)(ii), and the denominator of which is the target  
5           amount for the cost reporting period described in  
6           subparagraph (A)(i).”.

7           (b) CONSIDERATION OF LENGTH OF STAY IN LONG-  
8           TERM CARE PROSPECTIVE PAYMENT SYSTEM PROPOSAL  
9           UNDER BALANCED BUDGET ACT OF 1997.—Section  
10          4422(a)(2) of the Balanced Budget Act of 1997 (Public  
11          Law 105–33) is amended—

12                  (1) in subparagraph (A), by striking “and” at  
13                  the end;

14                  (2) in subparagraph (B), by striking the period  
15                  and inserting “; and”; and

16                  (3) by adding at the end the following new sub-  
17                  paragraph:

18                          “(C) shall consider adjustments in amount  
19                          of payments to long-term care hospitals whose  
20                          average inpatient length of stay during the base  
21                          year greatly exceeds the hospitals’ average inpa-  
22                          tient length of stay in later years.”.

1       (c) EFFECTIVE DATE.—The amendments made by  
2 subsection (a) shall apply with respect to cost reporting  
3 periods beginning on or after October 1, 1998.

○